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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,923	04/05/2004	Taco Van Ieperen	204694.00117	3112
27160	7590	02/24/2006	EXAMINER	
KATTEN MUCHIN ROSENMAN LLP			DINH, DUC Q	
525 WEST MONROE STREET			ART UNIT	
CHICAGO, IL 60661-3693			PAPER NUMBER	
			2674	

DATE MAILED: 02/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/816,923	<b>Applicant(s)</b> IEPEREN, TACO VAN	
	<b>Examiner</b> DUC Q. DINH	<b>Art Unit</b> 2674	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 November 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-147 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 105-147 is/are allowed.
- 6) ☒ Claim(s) See Continuation Sheet is/are rejected.
- 7) ☒ Claim(s) 10, 16, 22, 32, 38, 44, 52, 62, 71, 76, 88, 99, 104 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

Continuation of Disposition of Claims: Claims rejected are 1-9,11-15,17-21,23-31,33-37,39-43,45-51,53-61,63-70,72-75,77-87,89-98 and 100-103.

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/23/05 has been entered.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 1-104, 115-116 are rejected under 35 U.S.C. 102(a) as being anticipated by Ouellette et al. (U. S. Patent No. 5,581,243) hereinafter Ouellette.

In reference to claims 1, Ouellette discloses method an apparatus using a simulated keyboard on a touch sensitive display (multitasking operating platform) in Fig. 2 and 3 comprising:

the touch panel sensitive panel (28);

a user input keyboard window displayed on the touch sensitive panel (28);

an active application window (user input keyboard window display can be used to enter data or commands for running, for example, commercially-available standard software packages

Art Unit: 2674

such as data processing, spread sheet, and data-base management programs Fig. 3) displayed on said touch sensitive panel (28) wherein user input generated in response to user contact within said keyboard window (50) is forwarded to said active application without input focus shifting to said keyboard application (When used in conjunction with spreadsheet program, entire output screens [active application remaining input focus] can be viewed while entering or editing data into cells of the spreadsheet using the phantom keyboard [user contact with the keyboard is forwarded to the active program without input focus shifting to the keyboard application; col. 3, lines 29-36].

In reference to claim 2, Ouellette discloses user input received by said active application is displayed in said active application window (the application in Fig. 3 is active to receive the user input in Fig. 3).

In reference to claim 3, Ouellette discloses a plurality of user selectable alphanumeric keys (K) as claimed (the user select any key of the window keyboard to input data to the spreadsheet application program).

In reference to claim 4, Ouellette discloses keyboard application is configured to inhibit said keyboard application from gaining and/or maintaining input focus (the phantom keyboard thus produced is of particular value since it preferably operates using a memory resident routine which is independent of the application program being run (col. 3, lines 29-32).

In reference to claim 5, Ouellette wherein the keyboard application automatically shifts input focus to another application should input focus be given to the keyboard application (col. 3, lines 32-36).

In reference to claims 6-8, Ouellette discloses another application is selected from a task list of said multitasking operating platform and the another application is the next application in said task list (if the SIMULATED KEYBOARD ON/OFF button 34 is "held down" or touched for several seconds, an OPTIONS or set-up screen appears, as shown in FIG. 4 (col. 6, lines 42-45).

In reference to claim 9, Ouellette discloses the keyboard application is configured to inhibit input focus shifting from said active application to said keyboard application (the phantom keyboard thus produced is of particular value since it preferably operates using a memory resident routine which is independent of the application program being run. For example, when used in conjunction with spread sheet programs, entire output screens (i.e., spread sheets) can be viewed while entering or editing data into cells of the spread sheets using the phantom keyboard to inhibiting the phantom keyboard from gaining or maintaining input focus (col. 3, lines 24-36).

In reference to claims 11-21, refer to the rejection as applied to claims 3-10.

In reference to claims 23-24, refer to the rejection as applied to claims 1. In addition, Fig. 5 shows an active program is superposed on the keyboard (active application retaining said input focus during generation and receiving of user input).

In reference to claims 25-31, 32-37, and 39-43, refer to the rejections applied to claims 4-22.

Claims 45-51, 53-61, 63-70, 72-75, 77-83 are method claims corresponding to the apparatus of claims 1-42 and therefore, rejected based on the same basis set forth in said claims.

In reference to claim 84, Ouellette disclose a computer system in Fig. 1 a computing device (10), comprising:

a display configured to detect said user input device (touch screen 52 used for detecting user input to the keyboard 5 Fig. 2); and

a processor (12) causing said computing device to perform the following steps:

display an application window corresponding to an active application (spreadsheet program in Fig. 2) having input focus of said computing device;

display a user input window (on-screen keyboard 50) corresponding to a user input application (spreadsheet application) while said application window is displayed,

said user input window including a plurality of onscreen keys corresponding at least to textual characters (keyboard 50 having plurality selectable for enter characters; Fig. 3); and receive user input (from keyboard 52) on said display (50), said user input (keyboard 52) being located within said user input window (50), wherein said application window retains input focus after user input is received (the phantom keyboard thus produced is of particular value since it preferably operates using a memory resident routine which is independent of the application program being run. For example, when used in conjunction with spread sheet programs, entire output screens [i.e., spread sheets] can be viewed while entering or editing data into cells of the spread sheets using the phantom keyboard to inhibiting the phantom keyboard form gaining or maintaining input focus (col. 3, lines 24-36, col.4, lines 46-60).

In reference to claim 85, Ouellette discloses the textual data shows in the application window in Fig. 2 and 3.

In reference to claims 86-87, refer to the rejection as applied to claims 5-6.

Art Unit: 2674

In reference to claims 89-90 are method claims corresponding to the apparatus of claims 84-87 and therefore, rejected based on the same basis set forth in said claims.

In reference to claim 91, Ouellette discloses a computing device (10) running on a multitasking operating platform and including an active application having input focus (spreadsheet on screen 50, Fig. 3 having input focus) and a user input keyboard application (the application of keyboard 50), said computing device comprising:

a touch sensitive panel (52); a user input keyboard window (52) displayed on said touch sensitive panel;

and an active application window (spreadsheet program window, Fig. 3) displayed on said touch sensitive panel (50), wherein user input generated in response to user contact within said keyboard window (52) is treated as if said user input was generated by a physical input device and forwarded to said active application (spreadsheet window (col. 5, line 65 – col.6, line 6)).

In reference to claim 91 Ouellette discloses the user input received by said active application is displayed in said active application window (Fig. 3 shows user number input from keyboard is displayed on the spreadsheet window).

In reference to claim 93-98 and 100-103, refer to the rejection as applied to claims 2-9.

***Allowable Subject Matter***

4. Claims 105-147 are allowed.



Art Unit: 2674

The following is a statement of reasons for the indication of allowable subject matter:

none of the cited art teaches or suggests:

a controller executing a keyboard application and receiving said messages, said keyboard application processing said messages to provide data directly to the active application running on said computer corresponding to keys of said keyboard contacted by said user to bypass code of said operating platform responsible for shifting input focus thereby to avoid input focus shifting to said keyboard application in response to user contacts on said touch sensitive panel within said keyboard window. (claims 105, 110)

processing events generated in response to contact on said touch sensitive panel within said on-screen keyboard window and forwarding said processed events to said active application to bypass code of said operating system responsible for shifting input focus and thereby inhibit a shift in input focus from said active application to said on-screen keyboard. (Claims 115)

said keyboard application forwards user input to said active application while bypassing code of said operating platform responsible for handling mouse events and switching input focus thereby to inhibit input focus shifting to said keyboard application (claim 117).

said keyboard application forwards user input to said active application while bypassing code of said operating platform responsible for handling mouse events and switching input focus so that said active application retains said input focus during generation and receiving of said user input (claim 122).

forwarding data generated in response to contact on said touch sensitive panel within said on-screen keyboard window to an active application while bypassing code of said operating

Art Unit: 2674

platform responsible for handling mouse events and switching input focus thereby to inhibit a shift in input focus from said active application to said on-screen keyboard (claim 127).

forwarding data generated in response to contact on said touch sensitive panel within said on-screen keyboard window to an active application while bypassing code of said operating platform responsible for handling mouse events and switching input focus; and

retaining input focus with said active application at least during generating and forwarding of data generated in response to contact on said touch sensitive panel within said on-screen keyboard window. (claim 133)

detecting user contact within the window of said user input application and generating data corresponding to said user contact; conveying the generated data to said active application while bypassing code of said operating platform responsible for handling mouse events and switching input focus; and retaining input focus with said active application (claim 139).

an active application window displayed on said touch sensitive panel, wherein user input generated in response to user contact within said keyboard window is forwarded to said active application while bypassing code of said operating platform responsible for handling mouse events and switching input focus (claim 145).

5. Claims 10, 16, 22, 32, 38, 44, 52, 62, 71, 76, 88, 99, and 104 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. None of the cited arts teaches or suggests:

the keyboard application forwards user input to said active application while bypassing code of said operating platform responsible for handling mouse events and switching input focus

***Response to Arguments***

6. Applicant's arguments filed 10/04/05 have been fully considered but they are not persuasive. With respect to claim 1, applicant argues "claim 1, discloses "a user input generated in response to user contact within the keyboard window is forwarded to the active application without input focus shifting to the keyboard window." The examiner respectfully disagrees. As discussed above, the user input generated by the keyboard window 52 (see Fig. 3) is forwarded to the active application (the spreadsheet application as shown in window screen 50) without input focus shifting (the spreadsheet still active, i.e.: not shifting to the keyboard window 52, the active cursor (-) on the spreadsheet window indicated the application window is gaining input focus) to the keyboard window as claimed. With respect to claim 23, and 45 with cite that "data generated in response to contact on the touch sensitive panel within the on- screen window is forwarded to an active application and a shift in input focus from the active application to the on-screen keyboard is inhibited (claim 23) and "user input generated in response to user contact within the keyboard window is forwarded to the active application with the active application retaining input focus during generating and receiving of the user input". As discussed, because the application window is gaining focus, i.e.: the cursor on spreadsheet window indicated the application is in active (or gaining focus as claimed), when user uses the on-screen keyboard to enter data to the spreadsheet window, the active spreadsheet application is not shifting the focus to the keyboard widow and retaining focus during generating and receiving of the user input.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning (page 25 lines 1-7), it must be recognized that any

Art Unit: 2674

judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Therefore, the rejection is maintained.

### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **DUC Q. DINH** whose telephone number is **(571) 272-7686**. The examiner can normally be reached on Mon-Fri from 8:00.AM-4:00.PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Edouard Patrick** can be reached on **(571)272-7603**.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**Or faxed to:**

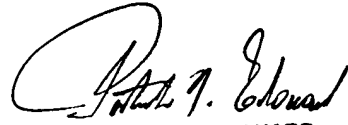
**(703) 872-9306 (for Technology Center 2600 only)**

Hand-delivery response should be brought to: Crystal Park II, 2121 Crystal Drive,  
Arlington, Va Sixth Floor (Receptionist)

Art Unit: 2674

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 305-4700.

DUC Q DINH  
Examiner  
Art Unit 2674  
DQD  
February 21, 2006



**PATRICK N. EDOUARD**  
**SUPERVISORY PATENT EXAMINER**